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To: Pamela Janifer/DC/USEPA/US@EPA; Carolyn Levine/DC/USEPA/US@EPA; Sarah Pallone/DC/USEPA/US@EPA
CC:
Subject: FYI: Some clips from hydrofraking public hearings. Second public hearing today

New York Times
September 13, 2010

Obscure Regulator Hits Brakes on Northeast Shale Drilling Rush

By MIKE SORAGHAN of Greenwire

TYLER HILL, Pa. -- Marian and Ed Schweighofer know right where they want their gas well to be drilled. It's a flat spot on top of a knoll, out of view of their two-story home, where hay now grows.

But they do not know when it will be drilled, or if it will be. The Marcellus Shale drilling that has raced across Pennsylvania for the past five years has stopped short of the dairy farms and hay fields here in the Poconos foothills.

That is because the Delaware River Basin Commission, an obscure-but-potent federal agency, has stopped the gas rush in its tracks in northeastern Pennsylvania's Wayne and Pike counties.

"If we lived a couple of miles the other way, we wouldn't have a problem," a frustrated Marian Schweighofer said. "Anybody else in Pennsylvania doesn't have this to contend with."

The commission -- or DRBC, as it is called -- has imposed a moratorium on Marcellus drilling while it prepares regulations for drilling in the four-state river basin where it controls development.

That makes the state-federal hybrid agency one of the first regulatory bodies to initiate a moratorium on drilling and marks the most skeptical approach yet to driller's claims that producing gas from shale is perfectly safe for human health and the environment.

DRBC executive director Carol Collier said Pennsylvania and New York regulators do not have strong authority to regulate water issues, and the commission can fill in the gaps to protect the Delaware watershed.

"We are hoping to have a stronger umbrella of protection because of the Delaware's unique qualities," Collier said.

The regulations it will propose as soon as Wednesday could be some of the toughest in the country, if not the toughest. They are expected to require companies to put aside much more money than the state requires for reclamation and cleanup. The state requires companies to post \$25,000 bonds for multiple wells, but DRBC officials have discussed bonding requirements of millions of dollars.

But the commission's approach is not skeptical enough for Barbara Arrindell, a resident of nearby Milanville, who is alarmed that gas development threatens to turn the countryside of small farms into an industrial zone.

"Once the industry starts, you're done," said Arrindell, who has a quiet mien but is given to blunt statements. An artist with an undergraduate degree in bioengineering from Columbia University, she believes that the high-

pressure "hydraulic fracturing" injections used in drilling could force toxic chemicals up through fissures in the local bedrock and into drinking water aquifers.

Arrindell and the Schweighofers are leading the charge for their respective sides in a classic "nature vs. development" fight that is turning this rural community into a crucible of the fight about water and gas in the Marcellus Shale.

The path that DRBC charts here could have ramifications far beyond this pastoral community.

Shale drilling is spreading quickly to states unaccustomed to large-scale petroleum production, like Ohio and Michigan. They will be looking to states like Pennsylvania and regulators like DRBC to guide their policies. Congress, too, is nervously eyeing the shale gas drilling debate.

'Gasland'

The landscape of rolling hills around the Schweighofers' farm has become a key crossroads in the debate about shale and hydraulic fracturing. After all, it is "Gasland."

Which is to say, their farm is just a few miles down the gravel road from the land featured in HBO's anti-drilling documentary of that name. A lease offer from a drilling company set filmmaker Josh Fox, whose family has owned the land for decades, on a cross-country exploration of the gas industry.

It is just a few more miles to the country's "most endangered river." The environmental group American Rivers gave that title to the Upper Delaware River in June after it was nominated by Arrindell's group, Damascus Citizens for Sustainability. American Rivers called on DRBC to block drilling until a thorough and lengthy study can be done of its effect on the watershed (Greenwire, June 17).

Marian Schweighofer's husband's family has been farming these hillsides and dales for generations. The property owners she and her family assembled, the Northern Wayne Property Owners' Alliance, is one of the most politically active landowner groups fighting for drilling to start.

The Delaware basin provides drinking water to 15 million people, about 5 percent of the country's population, including New York City and Philadelphia. It includes Pennsylvania, where lawmakers are eager to cash in on the drilling boom with a severance tax (Greenwire, Sept. 8), and New York, where the state Legislature could vote in a temporary drilling moratorium this month (E&ENews PM, Aug. 4).

New York Mayor Michael Bloomberg (I) has vehemently fought drilling in upstate New York, fearful that it could contaminate the water that flows unfiltered from upstate reservoirs into the city's taps. Contamination, or even fear of it, could require the city to spend billions of dollars on water treatment (ClimateWire, July 9).

And the Philadelphia City Council in March weighed in with a resolution calling on DRBC to block drilling until it does a full study of the environmental effects of drilling.

'This time it's real'

Three years ago, Wayne County had a lagging rural economy getting what boost it could from second-home sales and tourism. Then the "landmen" started knocking on farmhouse doors, trying to snap up the rights to drill from local landowners.

The sales pitches were not anything new, residents say. There was a history of landmen showing up every 10 years or so and paying people for options on their mineral rights. But the drill rigs would never show up.

Landowners came to regard it as "free money" and did not think much more about it.

But this was the Marcellus Shale, a concrete-like deposit that gas companies have figured out how to tap only recently, with tremendous results.

The trick, they found, was combining horizontal drilling with hydraulic fracturing, in which as much as 7 million of gallons of water, sand and chemicals, are injected into a well at high pressure to blast apart the rock and release the gas.

Schweighofer, an energetic farm wife who has been active in local affairs for years, started hearing complaints at Farm Bureau meetings about farmers being lied to and ripped off in other parts of the state, sometimes leasing their fields for as little as \$25 an acre and finding out that provisions in the fine print siphoned off the royalties they were expecting. Some landowners are now fetching as much as \$10,000 an acre.

She got friends, family and neighbors together, asking them to get the word out.

"We told people, this time it's real," she said.

The families banded together, hired experts and law firms (spending \$600,000 on legal fees). The Northern Wayne Property Owners Alliance now has 1,500 members who own 100,000 acres, and Schweighofer is the group's executive director. They signed a lease with Hess Corp. and Newfield Exploration Co., giving the companies a significant foothold in Wayne County.

The money was a boost for struggling farmers. Schweighofer said people who have lived their lives in mobile homes are building houses. The "bonus payment" of \$1,000 an acre helped Schweighofer's neighbor, Tim Coulter, snatch his horse farm out of the hands of the jaws of foreclosure last year.

"Most of these farms, we're in trouble," said Coulter, leaning on a blue pickup truck and looking out over his property.

Battle lines

But that bounty is under threat, and landowners blame DRBC.

Newfield and Hess have put their lease contracts on hold, citing a "force majeure" clause that allows such suspensions because of regulation outside the "normal and ordinary course of business."

The companies' move has created uncertainty about \$230 million in bonus payments that the landowners were expecting, in annual increments, through January 2013.

But Greg Swartz fears his bounty may be snatched away as well. Swartz and his wife have started an organic farm on land in the northern end of the county. All the land surrounding it has been leased to gas drillers.

"We just made a six-figure investment in infrastructure," Swartz said. "If anything happens to the quality or quantity of our water, we're screwed. It may be unpleasant. It may be unsafe. It may not be safe for me to sell vegetables from here."

When Arrindell saw the drilling coming, she got people to band together, not to get a better deal, but to fight the development tooth and nail.

She and her fellow opponents began compiling stories from other parts of the state with drilling -- exploded

water wells in Dimock Township, which is in neighboring Susquehanna County. Cows dying after drinking contaminated water. Well water turning brown. Methane levels so high in homes that they could explode.

"This is the same thing that happened in Dimock," Arrindell said. "They were sitting on their front porch saying, 'This is the sound of progress.'"

As the battle lines were drawn along the Delaware River, a similar fight was brewing on Capitol Hill.

Democrats, including Pennsylvania Sen. Bob Casey, have proposed legislation that would strip away an exemption to the Safe Drinking Water Act that Congress and the George W. Bush administration had given to drillers for hydraulic fracturing (E&E Daily, June 24).

As an interim step, the lawmakers got U.S. EPA to revisit a 2004 fracturing study that Congress had cited to justify the exemption.

It was amid this boiling cauldron that last year, DRBC executive director Collier stepped into the drilling debate. In May 2009, she asserted jurisdiction for the commission, telling gas companies they needed a permit from DRBC, in addition to the state, if they wanted to drill.

"It's a new industry, coming to a very different topography," Collier explained in an interview.

Since then, DRBC has worked on drafting regulations and has issued no permits for gas production wells. Essentially, it is a moratorium.

Policing water quality

Before the moratorium, many of the landowners in this part of Pennsylvania's Wayne County had never heard of the Delaware River Basin Commission. But the agency has been around significantly longer than EPA and predates the modern environmental movement.

The commission was created in 1961 as part of a four-state compact, approved by Congress, to resolve decades of conflicts over water supplies between New York, Pennsylvania and other states. But in the decades since, it has expanded its reach beyond doling out water to cleaning it up. Considered one of the most polluted rivers in the world in the 1950s, the Delaware River now exceeds water quality standards.

The commission's powers trump those of the member states when it comes to water and development in the 13,539-square-mile basin, which includes parts of Pennsylvania, New York, Delaware and New Jersey.

And its approach has been markedly different from its neighboring compact commission to the west, the Susquehanna River Basin Commission. SRBC has largely limited itself to monitoring how much water drillers are taking, rather than whether their methods pollute that water.

That has allowed large-scale drilling to proceed in the basin, which includes Dimock Township, where drilling blew up or contaminated numerous water wells with methane before the state ordered Houston-based Cabot Oil & Gas Corp. to permanently shut down some of its wells, pay nearly \$250,000 in fines and permanently provide drinking water to 14 affected families. In the drilling debate, Dimock has become shorthand for how badly things can go wrong.

And in recent weeks, newspapers in neighboring Bradford County have been filled with stories of well contamination and houses that had to be evacuated because of methane buildup.

DRBC's staff of about 45 -- including hydrologists, geologists, engineers and lawyers -- work in the commission's headquarters in Trenton, N.J. The offices are tucked behind state police headquarters just off Interstate 95. They are less than a mile from the Delaware River, which serves as the border with Pennsylvania.

The commission is a complicated political body. Its diffuse governing structure -- with policy guided by four governors (The job is usually delegated to a mid-level appointee.) and a federal representative -- leads critics to charge it with being an unaccountable bureaucracy.

And as the stakes have risen, those in the fight believe a lot is going on behind the scenes.

Drilling opponents assert that Pennsylvania Gov. Ed Rendell's (D) appointees are leaning on DRBC. Meanwhile, drilling supporters say the commissioners delegate too much authority to their staff members in Trenton, who they believe have an urban mindset that does not factor in rural concerns.

The immense amount of water used in the fracturing process that is essential to shale drilling raises questions for regulators at nearly every level.

To fracture the wells, companies suck millions of gallons of water from the rivers and streams, to the point where they could dry up creeks and affect water levels in rivers.

Fracturing fluid can include carcinogens such as naphthalene and xylene, linked to nervous system problems. Such chemicals make up a fraction of the mix, but they can be highly toxic at low levels.

What comes back up after the fracturing process is even worse. The "flowback" water brings with it brines and sometimes even radioactivity from uranium ore. In other parts of the state it has leaked into creeks and streams. It has to be treated before it can be discharged, and some has leaked from well sites.

Drilling opponents have told the commission that they want drilling banned in the Delaware River Basin. Short of that, they want an in-depth study of all of the possible effects on the watershed, rather than a limited one-well-at-a-time approach that focuses on the volume of water in the river. Such "environmental impact statements" can cost millions of dollars and take years to complete.

Rep. Maurice Hinchey (D-N.Y.), an ardent critic of shale drilling, has proposed giving \$1 million to the U.S. Geological Survey to do an in-depth study of how drilling would affect the watershed. But the Senate has not approved the money, and DRBC spokesman Clarke Rupert said the commission's members do not want to wait.

"That kind of undertaking would take years," Rupert said. "The commissioners have decided we can't wait that long."

At the same time, Rupert rejects criticism from gas companies and their supporters that DRBC is dragging its feet and holding up economic development unnecessarily.

"A way of describing our approach would be: We want to get this right," Rupert said. "We believe that justifies an overlay above and beyond the rules of our state. We want to make sure it's done right."

Next step

In Wayne County, the fight over drilling has gotten personal.

The two sides are battling it out in the letters columns of local newspapers and in lawsuits. The landowners who have leased their land refer to opponents as "antis" (pronounced ANN-ties), and dismiss them as New Yorkers

who have fled city life and simply want to shut the door to development behind them. Opponents fume that they have been heckled at public meetings.

In spring, things heated up for DRBC. Opponents traveled to Trenton, N.J., to speak against a drilling proposal by Stone Energy Corp. In July, hundreds of people showed up as both sides marshaled their armies of supporters, and "Gasland" filmmaker Fox tagged along with his camera.

As the year progressed, the battles got more detailed about whether exploratory wells should be allowed or if they were simply an end run around the commission's rules. Both the Northern Wayne Property Owners Alliance and the Damascus Citizens for Sustainability are appealing DRBC's decision to allow some "exploratory" wells but not others.

All of this sets the stage for an explosive September. DRBC's rules are to come out at some point, possibly at its meeting Wednesday in Trenton.

At the same time, EPA is planning public meetings today and Wednesday in Binghamton, N.Y., on shale and fracturing. The meetings were postponed last month because of the agency's concerns about handling the large crowds expected to attend.

Those seeking a complete ban when the commission sets its path are likely to be disappointed. DRBC appears likely to allow some sort of drilling to go forward. But that won't necessarily open the throttle to development. If the rules are tougher than the rest of Pennsylvania or other states, it could affect the way companies decide to invest their resources.

"There are ways of saying 'yes' when you mean 'no,'" said energy analyst Kevin Book, managing director of the Washington-based consulting firm ClearView Energy Partners.

The easiest way to do that, Book said, could be to require higher-than-normal financial assurance demands, or bonds.

"I'm hearing that a high bonding amount has been discussed," Book said. "The DRBC can make the cost prohibitive. A \$5 million bond? That's a way of saying 'yes' when you mean 'no.'"

Schweighofer said that commission officials discussed such high bonds -- "in the millions of dollars" -- when she met with them over the summer.

The DRBC debate plays out against a national debate on the dangers of fracturing and shale gas drilling, especially as shale drilling expands into new areas.

Pennsylvania, Book said, is likely to set the tone for development in other places. If DRBC says that drilling would harm drinking water, it could do a lot more than keep hay growing in the Schweighofer's field. It would provide powerful political ammunition to drilling opponents from New York to Ohio, and beyond.

And conflicting rules could invite questions that attract more federal scrutiny of hydraulic fracturing and the water-intensive process required to blast gas out of rock and send it to the surface.

"It says to EPA that something weird is going on," Book said. "The end result is that federal law could change."

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Drilling opponents, supporters butt heads at EPA Forum

Meeting draws 900 to downtown Binghamton

Star-Gazette

By Jon Campbell

September 14, 2010, 12:00 am

BINGHAMTON -- About 900 stakeholders and public officials -- a far cry from the 8,000 originally estimated -- came to downtown Binghamton Monday for a daylong meeting that often became a showcase for the controversial natural gas drilling debate.

Two-hundred people got the chance to speak during the U.S. Environmental Protection Agency's meeting, which was organized to gather input on the scope of a multi-million-dollar study of hydraulic fracturing.

Those at the meeting cheered and groaned as public officials and stakeholders spoke about their concerns or support for hydrofracking, a controversial drilling technique in which a mix of water, sand and chemicals is blasted deep underground to break up rock structures and release natural gas.

U.S. Rep. Maurice Hinchey, D-Hurley, was first at the microphone. He asked the agency to take over regulation of the practice and urged a comprehensive approach to the study, which is supposed to look at the potential effects of hydrofracking on groundwater.

Hinchey, the sponsor of a federal bill that would require natural gas companies to disclose the chemicals they use in the drilling process, called hydrofracking an "unconventional, harm-causing drilling technique." His speech lasted about eight minutes longer than the two-minute time limit.

"The results of this study will guide the federal government's policies, and perhaps, governments abroad," said Hinchey, who was the only non-EPA speaker to speak from the stage. "This study needs to be comprehensive, and it has to look at all of the different ways drinking water supplies, and non-drinking water supplies, can be impacted."

Several speakers touted a 2004 EPA study that found the fracking process to be safe. Critics say the study was wrought with political influence and have panned the results.

"There are almost 14,000 producing wells in New York state, many of which have been hydrofracked," said Brad Gill, president of the Independent Oil & Gas Association of New York. "Despite claims to the contrary, there hasn't been one case of groundwater being contaminated by the hydraulic fracturing process."

Speakers were urged to keep their comments centered on the scope of the EPA's study, although most took the opportunity to express their concern or support for natural gas drilling.

"High-volume hydraulic fracturing builds wealth, saves jobs and gives hope," said Aaron Price, the filmmaker behind the pro-drilling documentary "Gas Odyssey."

Others applauded the EPA's recent decision to ask gas companies for full disclosure of the chemicals used in the process.

"We need to know about the types of chemicals that are used and the effects of chemicals, not just individually but when you put them all together," said Katherine Nadeau, a program director for Environmental Advocates of New York.

While the afternoon session was split between those for and against hydrofracking, the evening session leaned toward the latter.

Filmmaker Josh Fox received a loud ovation as he approached the podium during the evening session. Fox produced "Gasland," an anti-fracking documentary that aired on HBO.

"My most ardent recommendation is that we stop this process now," Fox said. "People are suffering across the country and cannot wait any longer."

Victoria Switzer, a Dimock, Pa., resident whose water well was ruined by Cabot Oil and Gas, echoed Fox's call.

"EPA, do your job," said Switzer. "EPA must order a cessation of drilling activity in the Marcellus until an investigation is ordered and completed."

A few people heckled Vestal Gas Coalition member Thomas Gorman as he delivered his testimony, with one woman saying he was "ridiculous" when he defended the chemical solution used in the process.

"I know it can be done in an entirely safe manner, and I say that because I visited a well in Pennsylvania and saw the best industry practices," Gorman said. "I urge those who mock me to visit a well site instead of coming out here and shelling out garbled nonsense."

The meeting was largely civil, though some audience members grew testy when speakers went over the two-minute time limit, which was displayed on a large onstage screen. Some began yelling "two minutes" and "time's up" as the clock clicked down, including during Hinchey's opening speech.

Before the hearing began, a few hundred protesters on both sides of the natural gas drilling debate made their voices heard on Washington Street in front of the theater. Opposing rallies were restricted to barricaded areas on opposite ends of the street.

Emotions were high, but Binghamton police -- which provided 12 officers and two supervisors at a cost of about \$13,000 to the EPA -- reported no issues.

Concerns about potential rallies led in part to the moving and subsequent postponement of the meeting. It was originally scheduled for Aug. 12 at Binghamton University, but was moved to Syracuse's Oncenter Complex three days before it was set to take place after the EPA and BU couldn't come to an agreement on security and service costs for the meeting. University officials estimated the meeting could attract up to 8,000 to the BU campus.

The meeting was postponed the next day, after Onondaga County officials said they could not come up with a security plan on short notice.

About 1,600 people have registered to attend the meeting, which was split into four sessions -- two each on Monday and Wednesday.

Others who spoke included Binghamton Mayor Matthew Ryan, Tompkins County Legislature Chair Martha Robertson, Broome County Attorney Joseph Sluzar, and Broome County Executive Barbara J. Fiala.

"It is our hope the EPA is not going to study the entire natural gas development cycle," Fiala said. "Otherwise, the study will lack focus, it will not be timely, and EPA will infringe on the rights of the states to regulate this industry."

High-volume hydrofracking is on hold in New York as the state Department of Environmental Conservation updates its policies and regulations.

Washington Post

EPA told gas drilling does, does not taint water

By MARY ESCH

The Associated Press

Monday, September 13, 2010; 6:25 PM

BINGHAMTON, N.Y. -- Rep. Maurice Hinchey told a federal hearing Monday that the Environmental Protection Agency must regulate hydraulic fracturing, the natural gas extraction process that he said has contaminated water near drilling sites around the country.

"There are numerous reports of water contamination related to hydraulic fracturing in states across the country," said Hinchey, D-N.Y. "Despite the fact that EPA is, in many ways, precluded from taking regulatory action in response to these reports, I believe EPA must investigate to understand what is being done - to keep water supplies safe and secure."

The process, also known as fracking, blasts millions of gallons of water mixed with sand and chemicals, some of them carcinogens, deep into the earth to free gas from dense shale deposits. As a gas rush sweeps parts of the vast and lucrative Marcellus Shale region that underlies New York, Pennsylvania, Ohio and West Virginia, environmentalists are concerned for the watershed that provides drinking water for 17 million people from Philadelphia to New York City.

Environmentalists fear the process, which leaves as much as 90 percent of the post-fracking water known as "produced water" deep underground, will irreversibly taint aquifers.

No water supplies have been poisoned by fracking, the petroleum industry says, and the process - which promises lucrative industry profits and thousands of jobs in economically depressed areas - is safe.

"Billions of dollars in economic impact on New York and its citizens is at stake here," said Brad Gill of the Independent Oil and Gas Association, with drilling promising more than 60,000 jobs in New York alone. "The positive impact is staggering but it doesn't come at the expense of environmental protection."

John Harmon of the New York-New Jersey African American Chamber of Commerce said full development of the Marcellus Shale would create 280,000 jobs over the next 10 years, jobs sorely needed in the black community

"This is not the time to further limit energy job opportunities for those in need," Harmon said. Congress has ordered EPA to conduct a new fracking study and EPA is considering how broadly to construct it, since the agency's 2004 study that declared the technology safe was widely criticized as flawed. The earlier study had enabled passage of 2005 energy legislation exempting fracking from federal regulation under the Safe Drinking Water Act, leaving regulation to individual states.

"The EPA must do all it can to insure that its scientists and researchers are not influenced by industry or by politics as they were influenced back in 2004," Hinchey said, "so that the public can be assured that this study is being carried out in the public interest."

Hinchey is one of the authors of the so-called FRAC Act in Congress, which would put fracking under EPA regulation.

The petroleum industry is strongly opposed to federal regulation - which it says would be more costly than complying with adequate state rules.

Gill said "strict state regulations" for decades have governed fracking and the industry has "a stellar environmental record" to show for it.

In New York, he said, there are about 14,000 producing natural gas wells, thousands of which were begun by the fracking process. New York has not seen one case of groundwater contamination by fracking fluids, he said.

"A Hollywood actor holding a glass of cloudy water proves nothing except that fear-mongering and emotion will always trump science and logic," he said, taking aim at the recent critical TV documentary "Gasland," by Josh Fox.

The Marcellus rush is barely two years old in Pennsylvania and West Virginia, where thousands of wells have been fracked. Some geologists estimate the Marcellus contains more than 500 trillion cubic feet of natural gas, of which fracking could recover 50 trillion cubic feet - enough to supply the entire East Coast for 50 years. The proximity of the gas stores to the large East Coast energy market makes it particularly valuable. Hundreds of people on both sides gathered for the last of four public hearings on a pending EPA study of fracking. The Binghamton hearings, twice postponed because of anticipated large crowds, are split into double sessions on Monday and again on Wednesday.

"Kids can't drink gas" and "Protect our water. Stop fracking America," were some of the signs carried by opponents. Supporters, including union workers eager for jobs, carried signs that said "Yes to science, no to paranoia" and chanted "Pass gas now!"

New York's Department of Environmental Conservation has halted issuing drilling permits until it draws regulations to govern the process. Complaints of wellwater contamination and surface spills of post-fracking water have forced revision of state rules in Pennsylvania, where more than 1,600 wells have already been drilled in the Marcellus Shale and more than 4,000 permits have been granted.

Drilling companies have used fracking to release natural gas from other shale reserves around the country. EPA earlier held hearings in Colorado, Texas and Pennsylvania.

Paul Rush of New York City's Department of Environmental Protection noted that half the state's population, residing in New York City and its environs, depend on unfiltered water from the Catskills-Delaware watershed that is in the Marcellus Shale region. Two DEP studies showed serious risks to the watershed if gas drilling is allowed there. He urged the EPA to read the studies posted on the DEP's website.

"There's no way this can be done safely. It will toxify the air, water and soil," said protester Kathy Shimberg, 73, of Mount Vision, N.Y., wearing a T-shirt that read "Love N.Y.? Don't frack it up."

Hydrofracking hearing draws big crowd to Binghamton

Mary Esch

The Associated Press

September 13, 2010

BINGHAMTON — Hundreds of people gathered today for what are expected to be contentious hearings on a natural gas drilling technique — hydraulic fracturing, or "hydrofracking" — aimed at tapping the rich Marcellus shale formation beneath much of the Southern Tier.

Opponents of the process carried signs saying "Kids can't drink gas" and "Protect our water. Stop fracking America."

Supporters, including union workers eager for jobs, carried signs that said "Yes to science, no to paranoia" and chanted "Pass gas now!"

The U.S. Environmental Protection Agency is holding a pair of four-hour hearings in Binghamton today and again on Wednesday.

The EPA is considering how broadly to construct its study of hydrofracking, ordered last year by Congress after the agency's 2004 study that declared the technology safe was widely criticized as flawed. That study had enabled passage of 2005 energy legislation exempting hydrofracking from federal regulation under the Safe Drinking Water Act.

The drilling technique involves blasting millions of gallons of chemical-laced water mixed with sand into the ground and then horizontally to release natural gas from rock formations thousands of feet underground. Opponents say the process can poison drinking water but the industry contends there's no proof of contamination.

The hearings come as a gas rush barely two years old is under way in Pennsylvania and West Virginia.

PHOTO

Judith Enck, EPA regional administrator for Region 2, presents introductory remarks at the start of the EPA public meeting today at the Forum in Binghamton. (REBECCA CATLETT Press & Sun-Bulletin)

PHOTO

People held demonstrations for natural gas drilling, above, and against it before the EPA meeting today. (REBECCA CATLETT Press & Sun-Bulletin)

Day One of EPA's Hydrofracking Hearing Starts

Fox 40 News

It's an issue that has pitted neighbors against neighbors - could hydraulic fracturing impact the quality of our drinking water? EPA officials say they could answer that question as early as 2012.

"Through our study on drinking water, we hope concerns related to hydraulic fracturing will be addressed," said Judith Enck, EPA Regional Administrator.

The first session in a two day series of public hearing in Binghamton gave 100 people a chance to give their input on how the EPA should focus their study. Those on both sides of the issue signed up to speak their minds.

"This study must be done looking at shale gas development comprehensively. It must include household wells, and springs, and water used for agriculture and water used for food production," said Jennifer Tiffany.

"I urge the EPA to resist the temptation to expand the scope of the study to become a comprehensive examination of shale gas drilling," said David Stein, a speaker.

This series of hearing is the final step before the EPA begins its study in 2011, and officials are still looking for public input on a number of issues, including case study locations.

"I can't think of a better canary in the cave mine than Fort Worth, Texas. You've looking at 1000 gas wells in the city limits of Fort Worth," said Sue Mickley.

Each speakers was given 2 minutes of time to voice concerns. Some hope the EPA will keep the study's focus specific.

"The ERA is supposed to be studying the effects of hydraulic fracturing on drinking water and I think if they stay focused, and they use what resources they have, they'll be able to come up with a complete and thorough study," said Alex Parillo, Laborers Local 785.

Others say that approach is too restrictive.

"It this company's content, there's nothing to fear from gas production using fracking. They should champion a study that is as broad as possible so as to confirm the technology's safety," said Kate Sindry, a speaker.

Those inside the Forum shared their passionate arguments with the EPA, and outside, protesters were partitioned off, according to which side of the issue they were on.

"These people are completely concerned and they should be, you know. What I've seen across the county is water contamination, air pollution, health problems, citizens who felt completely overrun by this industry," said Josh Fox, the director of Gasland.

"It's being safely done in other states, and it could be done safely in New York state," said Aaron Price, director of Gas Odyssey.

On day one, police felt confident they could handle anything that came up.

"I think that people are going to be reasonable, there's no reason to have any type of violence," said Chief Zikuski.

Either way, there was plenty of security, inside and outside of the building.

FOX 40's LAUREN GARBER REPORTING

Hydrofracking hearings begin in Binghamton (video)

Published: Monday, September 13, 2010

By CAITLIN TRAYNOR

BINGHAMTON — “Kids can’t drink gas” and “Pass responsible gas drilling” were the messages of protesters barricaded at opposite ends of the street in front of Broome County Forum Theater before the Environmental Protection Agency’s hearing on hydraulic fracturing Monday.

Dozens of police officers were stationed on Washington Street in front of the theater as nearly 100 protesters on either side of the controversial natural gas drilling process held signs and chanted. Inside the theater, more than 100 people registered to testify at the hearing, while hundreds more filed in to listen.

Dispatch Staff Photo by JOHN HAEGER

Dr. Robert Puls, Agency technical Lead, Hydraulic Fracturing Study EPA's Office of Research and Development talks about how the study will be conducted during the EPA Public hearing on Hydraulic Fracturing in Binghamton on Monday, Sept. 13, 2010.

The EPA announced in March it would launch a Congressionally-requested study into the relationship between hydrofracking and ground water. A series of hearings have been held to collect testimonies from the public in Fort Worth, Texas, Denver, Canonsburg, Pa. and lastly Binghamton.

Public comments on the issue will shape the design of the study, EPA officials said Monday. Regional Administrator Judith Enck said the study should be conducted democratically and rightfully include participation from public stakeholders. Issues like air emissions, climate change, noise, traffic and road infrastructures will also be examined, she said.

The major elements of the study will be to collect data and information, inspect chemical transport and fate and

prioritize case studies, Dr. Robert Puls said, the agency technical lead for the EPA's Office of Research and Development.

The EPA will examine currently-lacking pre- and post-drilling site characteristics, chemical data, well construction and the industry's operation and management practices. The source of the millions of gallons of water required at each well site will also be considered to determine if it is competing with drinking water uses, he said.

EPA officials asked the public to prioritize their concerns on the issue and offer suggestions for specific locations of case studies. With 123 registered speakers, each was given two minutes to speak during the first of four four-hour sessions.

Comments on either side of the issue seemed to echo a similar sentiment: use scientific fact and leave political agendas and emotion out of the study.

Democratic 22nd District Congressman Maurice Hinchey commended the EPA for conducting the study. Naming previous EPA studies of hydrofracking "misleading" and "incomplete," he said "now we have a new EPA which understands things a lot more clearly and is being a lot more open and honest about this process."

Strongly opposing government exemptions for the gas drilling industry, Hinchey said hydrofracking cannot continue without an independent study that investigates the risks it poses to water supplies and air quality. He promised to fight to ensure budget requests from the EPA, but demanded that science dictate the study's conclusions, not the industry or politics.

"So the public can be assured that this study is being carried out in the public's interest," he said. "Everything we do is supposed to be in the public's interest. We deserve all of this and nothing else."

Democratic 24th District Congressman Michael Arcuri traveled to Binghamton to ask the EPA to "separate fact from fiction." While he's not opposed to natural gas development, the industry shouldn't be allowed to rush into drilling at the expense of the water supply. Siting BP's oil spill in the Gulf Coast, he said "accidents can happen no matter how unlikely we're told they'll occur."

Arcuri stressed that companies need to disclose the chemicals used in the process.

"Clean water is absolutely critical," he said.

Broome County Executive Barbara Fiala called hydrofracking a safe process, one that with proper supervision could develop into an industry that allows for new jobs and investments. She asked the EPA to take a focused approach and "not take forever." While she agreed frack fluids need to be disclosed, she said gas drilling will add value to the economy.

With too many unanswered questions, Binghamton Mayor Matt Ryan asked the EPA to study the cumulative impacts of hydrofracking on water and air quality.

"We need a closed loop system," he said. "We cannot support short-sighted, short-term economic gain."

"There is a lot of public confusion about hydrofracking," Broome County Attorney Joe Sluzar. "The EPA has helped with that confusion."

Sluzar said he expects the EPA's study to include an explanation of the risks for hydrofracking in different geographical regions.

Damascus Citizens for Sustainability member Bernard Handler said rules and regulations have been stripped, allowing the gas industry to “run amok.”

“Now we’re trying to catch up on the process of re-regulating,” he said. “We need to get ahead of the curve.”

He suggested putting tracers in the water pumped underground as a way to follow the migration patterns of the water and chemicals used in hydrofracking.

David Keefe, co-founder of the Southern Madison County Gas Coalition, offered expertise as a retired petroleum engineer with Exxon Mobil. Claiming that there has not been any instances of contamination to ground water, he expressed concern over the need for the study.

“It’s a heavy burden for taxpayers to bare if a study needs to be redone every time a new political party is in control of the EPA,” he said.

Naming hydrofracking a process that has been used safely and effectively for nearly 30 years, John Harmon said gas development holds “enormous economic potential.” With a significant state budget deficit, tax revenues from the industry could “offer a solution to the state’s woes,” he said.

Independent Oil and Gas Association of New York Executive Director Brad Gill said there “hasn’t been a single case of ground water pollution in New York.”

“Our industry here isn’t new,” the petroleum geologist said. “Fear-mongering and emotion will always trump scientific facts.”

While the industry provides thousands of jobs, it has “demonstrated a stellar track record for drilling” and has “already stood the test of time,” he said.

Hugh Kimball urged the EPA to “get beyond industry propaganda,” saying “we don’t want to trade water for gas.” With well-documented spills in other areas of the country, Kimball said the study needs to be extensive and suggested that erosion from storm water be examined in cases where trees have been cleared to make room for a well site.

Ross Horowitz suggested that an agency other than the state’s inadequately staffed Department of Environmental Conservation be put in charge of enforcing regulations. He then paused to give a 10 second audio presentation. Horowitz stood silent for 10 seconds.

His silence represented the lost sounds of birds, children playing, university professors’ attraction to the area, tourism and agriculture, he said.

“These sounds are missing in an industrial waste land,” he said, adding that that would be the country’s fate “if allowed to proceed with the current level of knowledge and absence of regulation.”

Cornell University professor Dan Brown highlighted two main lessons in his student’s education: “dose makes the poison” and “interaction of chemicals are essential.”

Brown encouraged EPA officials to look for already-recorded water samples to retroactively create a base line to study frack fluid and its potential toxicity to water supplies. Those chemicals have the potential to transfer toxins to milk and meat if they reach the water supply of farmers.

Sandra Steingraber, an ecologist and scholar in residence at Ithaca College, said gas industry regulations need to be written using a combination of ethics and science.

"A state of not knowing has led to many bad situations," she said.

A debate with intelligent people on both sides, hydrofracking is a solution to the United State's dependency on foreign oil, Ryan Scott said.

"The sanctity of nature and drinking water should not be taken lightly," he said. "We still need conventional fuels for the foreseeable future though. The bottom line is there are no resources that don't come without risk. Please let science and fact drive the study, not politics and emotion."

Lorin Cooper, chairman of the Steuben County Land Owners Coalition's Political Action Committee, said improvements are being made on a daily basis in the gas industry. Confident that the DEC can monitor the process, he said the coalition wants drilling in the Marcellus Shale as soon as regulations are developed. Cooper also suggested that frack water "can be purified to drinking water standards and can be reused."

Margery Schab, a member of NYH2O, said water and air should not be compromised for jobs and money. Water and air are more basic a right than democracy and the right to vote, she said.

"The most basic thing we ask our government to protect is healthy lives," she said. "Your mission is not to be the energy protection agency. Your mission is to be the environmental protection agency."

Anne Furman, a Tompkins County resident, compared the gas industry with the tobacco industry. While tobacco companies said nicotine was not addictive, it "funded study after study to show smoking doesn't cause cancer," she said.

The public was purposely mislead about the hazards of smoking and "for decades they lied about the effects of smoking and they did it to make a profit," she said.

Considering the gas industry to have already "started off on the wrong foot," Furman said they have lied by refusing to disclose the chemicals used in fracking fluids.

The EPA will conduct a second day of four-hour sessions Wednesday beginning at noon and 6 p.m. in Binghamton. The study is expected to commence at the beginning of 2011 with initial results published in 2012.

Comments

Philly.com

Strong positions on either side of "fracking" at EPA hearing

By Andrew Maykuth

Inquirer Staff Writer

BINGHAMTON, N.Y. - Armed with placards and clever slogans, hundreds of supporters and opponents of natural-gas drilling descended here Monday in a passionate display of just how fractious the process known as hydraulic fracturing has become.

Wearing shirts that urged policymakers to "Pass Gas Now," supporters of Marcellus Shale drilling faced off peacefully with activists who announced their opposition to hydraulic fracturing with chants of "Frack, No!"

The occasion was the first of two public sessions conducted Monday by the Environmental Protection Agency

to gather public comment on its study of hydraulic fracturing, or "fracking," a technique for unlocking natural gas from rock formations thousands of feet underground with high-pressure injections of water, chemicals, and sand.

Anti-drilling activists hope the EPA's study of hydro-fracking will prove it is an environmental danger that should be federally regulated, if not banned. The practice is currently regulated by states' oil- and gas-drilling laws.

"Everywhere this drilling is practiced is at grave risk," said James Barth, of Damascus Citizens for Sustainability, a Pennsylvania anti-drilling group.

The gas industry and its supporters said the EPA study could inspire restrictions that might impair an industry that is one of the few economic bright spots in Pennsylvania and surrounding states.

"Now is especially not the time to further limit energy-job opportunities for those in need," testified John E. Harmon, of the African American Chamber of Commerce.

Two more sessions will be held Wednesday in this city 60 miles north of Scranton, the last of four locations where the EPA has had hearings in recent months.

The agency says public input will help it determine the scope of its study, expected to be finished in about two years. Regional administrator Judith Enck said the EPA was seeking suggestions "about the design of the study, not about the merits of hydraulic fracturing."

But that did not stop impassioned speakers from offering their opinions, which were joyously applauded in the cavernous Broome County Forum Theater.

Nearly all urged the EPA to base its study on science, rather than emotion or political pressure - as long as it was the science that supported their position.

Rep. Maurice Hinchey (D., N.Y.), a drilling opponent who campaigned for the new EPA study, called fracking an "unconventional, harm-causing drilling technique" that has been linked to "numerous reports of water contamination" nationwide.

He denounced a 2004 EPA examination that concluded hydraulic fracturing posed no risk. That study examined fracturing for natural gas in coal seams, which is conducted at shallower geologic depth and theoretically should pose more environmental risk than drilling in the Marcellus Shale, which is located a mile deeper than groundwater sources.

"Fortunately, now we have a new EPA which understands things a lot more clearly and is being more honest and open about this process," Hinchey said.

But gas-drilling advocates repeated their argument that there are no documented cases in which the hydraulic-fracturing process has contaminated groundwater - and that numerous studies have said there is little chance for contaminated fluids to escape from a properly constructed natural-gas well.

"A Hollywood actor holding a glass of cloudy water proves nothing except that fear-mongering and emotion will always trump science and logic," said Brad Gill, executive director of the Independent Oil and Gas Association of New York State.

Gill said that 14,000 of the 75,000 wells drilled in New York in the last two centuries were still producing, and

that many of them were hydraulically fractured. But New York currently has a de facto moratorium on fracking while the state Department of Environmental Conservation studies new drilling regulations.

"Billions of dollars in economic impact to New York and its citizens is at stake here," he said. "The positive impact is staggering, but it doesn't come at the expense of environmental protection."

Opposition to drilling in New York is strongest in the Delaware and Hudson River watersheds, which provide New York City with its unfiltered drinking water.

But public sentiment in New York's southern tier is mixed. This economically depressed region lies across the border from Pennsylvania's most productive Marcellus areas, which are also the scene of several dramatic cases where drilling activity - though not necessarily hydraulic fracturing - caused contamination.

Broome County Executive Barbara Fiala declared fracking "safe" and expressed frustration with the slow pace of development in New York. "All we ask is that this study be focused and not take forever to complete," she said.

Binghamton Mayor Matthew Ryan urged regulators to take their time and examine not just fracking, but all aspects of gas drilling. "To date," he said, "I have heard only one refrain from those who want to speed up the gas play: We need the money."

Outside, where the street drama was taking place - police kept the rivals separated by barricades - land owners such as Chris Ostrowsky expressed exasperation that Pennsylvanians a few miles away in Susquehanna County were striking it rich, while New Yorkers were in limbo.

Last week, the Pennsylvania Department of Environmental Protection released its first detailed Marcellus production figures. Susquehanna and Bradford Counties accounted for 55 percent of the 179 billion cubic feet of Marcellus gas produced in the year ending June 30, a Powell Barnett Shale Newsletter analysis says.

"It's real frustrating to see what's going on across the border, how the economy is booming in Pennsylvania," Ostrowsky said.

REBECCA CATLETT / Press & Sun-Bulletin

Drilling advocates staged a rally Monday outside the Broome County Forum Theater in Binghamton, N.Y., where the EPA held a hearing to gather public comment on its study of hydraulic fracturing, or "fracking," a technique for unlocking natural gas from underground rock formations.

EPA hearing on hydraulic fracturing draws cordial crowds

By Kristopher Radder

FOR THE TRIBUNE-REVIEW

Tuesday, September 14, 2010

BINGHAMTON, N.Y. -- Hundreds of demonstrators, most of them opposed to natural gas drilling, lined up outside the Broome County Forum Theater yesterday for the first of two days of public hearings on the practice of using hydraulic fracturing to release gas from Marcellus shale deep underground.

The Environmental Protection Agency's hearing drew vocal, but cordial, crowds.

"I believe our democracy works best when we get informed and participate in the process," said Judith Enck, EPA administrator for the region that includes New York. "We plan to study the harmful effect hydrofracking may have on the public health and the environment, specifically on the drinking water."

Outside the theater, police separated two groups: one with about 150 people chanting "Pass the gas," in support of drilling, and the other with about 350 people, shouting "No fracking way!" in opposition. Among the opponents, someone constructed an 8-foot-tall drilling rig out of wood.

Inside, participants took up only about a third of the 1,500 seats during an afternoon session.

The EPA announced in March that it plans to study "fracking," the drilling process typically used to extract gas from the Marcellus shale formation, which runs a mile underground from New York to Tennessee. Binghamton is the last of four places where regulators are taking public comments.

New York imposed a moratorium on fracking, in which crews inject vast quantities of water, sand and chemicals underground to force open channels in sand and rock formations to let oil and gas flow.

A July meeting in Cecil, where several drillers have Western Pennsylvania headquarters, drew about 1,200 people. The New York meeting was scheduled for August, but officials postponed it so they could find a larger venue and schedule four sessions during two days.

The EPA expects to start its study early next year with the goal of getting preliminary results, at least, by the end of 2012.

"It's about land, air, water and quality of life," said Nancy Lee, of Whitney Point, N.Y., who held a puppet of Mother Earth. "We have a jewel here, and I hope (gas well drilling) doesn't destroy the environment."

Gilbert Balizan, operations manager at RNI Trucking in Falls Creek, Pa., on the border of Clearfield and Jefferson counties, said gas production created jobs in his area. His company has about 70 employees, many servicing the gas industry. All are local residents.

"Everywhere the gas industry goes, it opens up a ton of jobs," Balizan said. "It helps the economy all the way down to the store bagger, to the gas station, to the hotels."

Josh Fox, the producer of "Gasland," an HBO documentary about Marcellus shale drilling, urged the EPA to expand its study by looking at the entire gas extraction process and to prohibit hydraulic fracturing for five years.

Politicians turned out for the meeting, along with speakers from New York City who are concerned about how drilling in upstate counties could affect their drinking water.

"Science must dictate the study's conclusions," said Rep. Maurice Hinchey, a New York Democrat and the first person to testify. "EPA must do all they can to ensure that scientists and researchers are not influenced by industry or by politics."

'No Fracking Way' serves as theme for anti-drilling faction

09/14/2010

Star-Gazette

BINGHAMTON -- They beat on bongos and shook tambourines as they danced to their own song. Decorations could be seen from down the block.

It wasn't a party, but an anti-drilling rally outside The Forum before and during parts of Monday's EPA meeting.

Their song? "No Fracking Way," which began as a chant but, as the day continued, morphed into a rhythmic melody echoing down Washington Street.

Their props? A mock drilling rig adorned with a roulette wheel offering the two chances of gas or water, a skull and hazard signs. There were costumes, too, like the man clad in a HAZMAT suit and gas mask. Oh, and there was Frackin'stein.

Though Craig Sautner wore jeans and a T-shirt, he brought a prop -- a half-full gallon jug of murky water to the event. It was labeled Dimock, Pa., and came from his well -- the well he and his family drank from for a year, and though it was filtered at the time, he said it was unsafe.

"My kids were getting sick," Sautner said of the contaminated water resulting from extensive drilling nearby. "They were getting eczema over their elbows, down their legs and everything from the well water. My daughter would get in the shower in the morning and she would have to get out and lay on the floor because she thought she was going to pass out cause of all the methane sucking the oxygen out of the air."

Sautner said his family isn't anti-drilling or pro-drilling, but just wants to educate people on the possible repercussions of hydraulic fracturing -- something he hoped to do at Monday's event.

Politicians who spoke during their allotted two minutes inside The Forum also took the opportunity beforehand to get anti-drillers revved up.

Binghamton Mayor Matthew Ryan said more money should have spent on a green alternative to fracking.

"This is about environmental justice, this is about environmental racism," Ryan said. "It's about protecting our ecology, it's about making sure our infrastructure's protected if drilling ever does come to this area. It's about making sure the EPA (does) the types of things they're supposed to do. The Environmental Protection Agency: that's what they're called."

Martha Robertson, chair of the Tompkins County Legislature, argued the economic benefit has been overplayed.

"They say it'll bring prosperity to upstate New York," Robertson said. "But you know what? In Pennsylvania, 90 percent of the jobs are going to out-of-state workers."

Susan Multer, a social worker from Horseheads, came to voice her opinion, and said she was glad to see the turnout from many in areas where drilling has gone wrong, such as Dimock.

"I think the public is waking up, and maybe some public officials," Multer said. "Sad to say, but the more accidents that happen ... when you read about these real events, you can't ignore it anymore."

EPA meeting notebook

09/14/2010

Star-Gazette

Environmentalists wield signs

Anti-drillers took all approaches to make their point Monday outside The Forum, but the most common was creative signage.

The assertions included "Kids can't drink gas," "Health before wealth," and a poster with a picture of Pennsylvania that said "State of gov't: Gasocracy." The statements were displayed on everything from hats, to pizza boxes, poster board and a large mock drilling rig.

Environmentalists of all ages came out for the rally, including a little girl wearing a sundress, with a sign hanging around her neck: "Welcome EPA. Thank you for protecting us."

Chenango Forks landowners support drilling

Kermit and Martha Kirby, of Chenango Forks, attended Monday's event because they want to see the gas drilling moratorium lifted to bring jobs back to New York, they said.

"We own 130 acres and believe me, we care about the land," Kermit said outside The Forum. "We love our land."

Both feel the state is in economic dire straits and drilling would bring revenue to ease the burden on taxpayers.

Green party lobbies for votes

During an impromptu rally Monday morning yards away from where the anti-drillers had voiced their opinion with Democrats leading the discussion, Green Party candidates rallied for votes -- and for a ban on hydraulic fracturing.

Howie Hawkins, gubernatorial candidate, and Cecile Lawrence of Apalachin, who is running for Kirsten Gillibrand's U.S. Senate seat, declared a vote for them would be a vote for a ban on fracking.

Lawrence declared she was fed up with Democrats, dubbing them "Republicans light," and urged environmentalists to vote for Green Party candidates.

"We're in a fight for our lives," she said. "We're up against the biggest companies in the world -- and we've got to beat them!"

Rallies clear up after hearing begins

The rally areas outside The Forum remained mostly empty Monday afternoon during the first session of the EPA hearing.

While it was predicted hundreds would remain outside, most activists were slated to speak during the forum.

As speakers took their place inside at the podiums, few remained outside, including environmentalists who were dancing and playing the bongos as rain began to fall.

Students skip class to attend hearing

Ethan Roach of Corning skipped four classes Monday at Corning Community College to attend the state Environmental Protection Agency's public meeting about hydraulic fracturing held at The Forum.

Roach, an environmental science major, is against the practice. He is so passionate about his stance that he quit attending classes at Broome Community College when the school offered a class about the issue for students.

He attended the first session with friends Ryan Wall and Sean Grace, both students at Broome Community

College.

This is the fourth public meeting Roach has attended during the last few months.

"I feel very strongly about this," he said.

Auxiliary police direct traffic

Sgt. William Spangenburg, a Binghamton Police Auxiliary volunteer, spent the bulk of Monday morning directing traffic at the intersection of State and Henry streets.

"It's been very quiet," Spangenburg said. "I really expected more traffic than this."

Spangenburg has been volunteering his time for the past five years.

"I love it," he said. "I do it for free."

Fewer people attend hearing than expected

Crowd estimates seemed off Monday morning as folks from across the region descended upon The Forum.

Initial estimates indicated approximately 8,000 people would attend the event. By 2:30 p.m., only about 700 people were in attendance.

For a brief time, it appeared as though there were more police, emergency personnel and media camped outside The Forum.

Hearing draws Norwegian TV station

The EPA meeting drew a considerable amount of media attention. EPA spokesman John Senn said camera crews were expected from CNN and the CBS Evening News, in addition to a large amount of local and regional media.

But the most interesting media representative came from overseas. Norwegian national television station TV2 sent a camera operator and reporter to take in the meeting as part of a series of stories on hydraulic fracturing.

Torgeir Foss, the reporter, arrived in Binghamton on Sunday.

Statoil, Norway's largest oil and gas company, purchased about one-third of Chesapeake Energy's leased acreage in the Marcellus Shale region.

"It's an important story because Statoil is mainly owned by the Norwegian government," Foss said. "That means everyone in Norway is affected."

EPA meeting aids local business

Just a few feet from the barricaded protests, business was booming at the City Light Café on Washington Street this morning.

Restaurant manager Lori Snyder said protesters hailing from as far away as Oklahoma and Denmark came by for their morning coffee. By around 11 a.m., she estimated, business for the day had doubled.

"Whatever they're debating over there, the jobs have picked up here because we've even had to bring in extra people," she said, adding that more employees would be scheduled in anticipation the second day of the EPA hearings on Wednesday.

A spirited but friendly discussion broke out between tables of pro-drillers, anti-drillers and a table of Tea Party members, but Snyder said she isn't for or against drilling.

"I think there's benefits to both sides," she said.

Auto garage business off

Bob Crowe, owner of Bob Crowe Auto Services on Washington Street, had an unexpected and somewhat unwelcome vacation day on Monday.

The orange barrier surrounding the pro-drilling protest extended to the area directly in front of the garage's parking lot. Although "dribs and drabs" made their way to the garage -- located right next to The Forum -- Crowe said he lost about 80 percent of his business, and he anticipated losing \$3,000 during the course of the day.

Crowe said he understands the need for the EPA meeting, but wishes it was happening somewhere else -- or, for that matter, anywhere else.

"I'm just in the exact wrong spot," Crowe said.

Nevertheless, Crowe said his business will survive the rough week, and the influx of out-of-town visitors and national media coverage could be good for the city as a whole.

"Anything that brings people downtown is a good thing," Crowe said.

A quiet day for city police

Binghamton Police Chief Joseph Zikuski said there were no incidents outside of The Forum on Monday, but said the police presence will remain at similar levels at the meeting's remaining sessions on Wednesday.

"We're trained to deal with anything, and you just never know what could happen," Zikuski said. "Both sides have been very respectful, but we have to be ready for the unknown."

Police officers were visible on Washington and Henry streets throughout the day, with several keeping close watch on the staging areas reserved for pro- and anti-drilling rallies. As part of the EPA's deal with the department, the City of Binghamton will provide 12 officers and two supervisors for Wednesday's sessions.

'Two minutes,' crowd tells Hinchey

U.S. Rep. Maurice Hinchey received a hearty applause from members of the environmental crowd when he took the stage Monday afternoon.

But as his remarks stretched well past the two minutes allotted to other speakers -- finishing up at closer to ten -- some in the crowd proved to be sticklers for time management.

"Two minutes!" several members of the crowd shouted at the Congressman.

In an interview after his speech, Hinchey said he had asked event organizers about his time limit, and his understanding was that he could speak as long as he needed to.

"No, no, I wasn't stuck to two minutes," he said.

In an interview following his speaking appearance at Monday's meeting, U.S. Rep. Maurice Hinchey said the congressional passage of an exemption to federal regulation of hydraulic fracturing passed in the 2005 Energy Policy Act may have been intentionally corrupt.

"I asked the new leader of the EPA to look into this situation, and that's what stimulated these hearings," Hinchey said. "I was the one who brought their attention to this issue, and told them how important it is, and how they need to focus attention on it, and how they really need to correct what was done back in 2004 by the EPA in a very sort of inappropriate way -- a way that maybe even was corrupt, intentionally corrupt."

The exemption removed hydraulic fracturing from regulation under the federal Safe Drinking Water Act. Hinchey is a co-sponsor of the "FRAC Act," which would repeal the exemption.

Dimock man brings tap water sample

Craig Sautner, of Dimock, Pa., brought a "sample" of his tap water in a gallon jug to the hearing. He was told by security that he could not bring the plastic container into The Forum for the evening session where he was scheduled to make a statement. The water, which looked like a mix of anti-freeze and apple cider, was contaminated, he said, after an energy company started drilling for natural gas on a neighbor's property.

The energy company delivers bottled water for drinking and municipal water for bathing, said Sautner.

"More studies have to be done until they can do it safely. We don't want any more wells contaminated. I wanted to sell my house and move to Florida, but now I can't," said Sautner.

Rallies clear up after hearing begins

09/13/2010

Star-Gazette

The rally areas outside The Forum remained mostly empty Monday afternoon during the first session of the EPA hearing.

While it was predicted hundreds would remain outside, most activists were slated to speak during the forum, and reserved their chanting and sign wielding for before the noon-time hearing.

As speakers took their place inside at the podiums, few remained outside, including environmentalists who were dancing and playing the bongos as rain began to fall.

Environmentalists bring signs, hazmat suits, mock rig

09/13/2010

Star-Gazette

Anti-drillers took all approaches to make their point today outside The Forum.

The costumes and props ranged from a man wearing a HAZMAT suit and gas mask to a little girl wearing a sundress, with a sign hanging around her neck: "Welcome EPA. Thank you for protecting us."

A mock drilling rig was decorated with roulette wheel displaying two options — gas or drilling — a skull, and hazard signs.

A couple from Dimock, Penn., brought a gallon jug of murky water. “This came out of our tap after the drilling started,” the man proclaimed to the crowd.

Ryan, Robertson speak at rally

09/13/2010

Star-Gazette

Binghamton Mayor Matthew Ryan stood amid anti-drillers at a rally Monday morning before the EPA hearing, challenging the agency to craft a green alternative to hydro-fracking.

“This is about environmental justice, this is about environmental racism,” Ryan said. “It’s about protecting our ecology, it’s about making sure our infrastructure’s protected if drilling ever does come to this area. It’s about making sure the EPA (does) the types of things they’re supposed to do. The Environmental Protection Agency: that’s what they’re called.”

Martha Robertson, chair of the Tompkins County Legislature, argued the economic benefit has been overplayed.

“They say it’ll bring prosperity to upstate New York,” Robertson said. “But you know what? In Pennsylvania, 90 percent of the jobs are going to out-of-state workers.”

Read Hinchey’s statement at EPA hearing

09/13/2010

Star-Gazette

Rep. Maurice Hinchey gave the first testimony at the EPA hearing. Here is his statement:

“Good afternoon. This event has been a long time coming and I want to welcome and thank everyone for coming here today and participating in this important hearing. I also want to thank those who have spent considerable time organizing, negotiating and renegotiating, and doing the things necessary to ensure that this hearing takes place in a serious and productive manner.

“The relatively recent discovery of the size (500 trillion cubic feet of gas) and value (\$1 trillion) of the 400 million year old Marcellus shale gas play has brought pressures on homeowners, landowners, and government that few could have anticipated. As your representative in the US Congress, I have focused much of my attention over the past several years on the potential consequences — both good and bad — of natural gas drilling in the Marcellus Shale.

“Part of my job is to ensure that the laws protecting our public health and environment, and the regulatory apparatus needed to enforce these laws, keep pace with ever changing circumstances — which, in this case, means the unconventional drilling technique known as high volume hydraulic fracturing.

“As many of you know, I urged EPA to conduct the study we are advancing today and I want to commend EPA Administrator Lisa Jackson for agreeing that this work needed to be done.

“Administrator Jackson’s comments, in response to my questions at a hearing in May of 2009, convinced me to include an amendment in last year’s EPA appropriations bill that initiated this study. Despite opposition from

some within industry, I was able to successfully get the amendment adopted, which called for a new examination of hydraulic fracturing based on the best available science.

“Six years ago, EPA released its first examination of hydraulic fracturing’s impact on drinking water. This study focused exclusively on coal bed methane deposits in the South and was in many ways, misleading and incomplete. At the time, the agency concluded that fracking posed no risk to water supplies.

“However, according to in depth reviews by independent experts and an EPA whistleblower, this conclusion was actually contradicted by some of the study’s own findings and the study’s final outcome was heavily influenced by non scientific political appointees in the prior administration.

“Nonetheless, the 2004 study was used to help convince Congress to exempt hydraulic fracturing from the protections of the Safe Drinking Water Act, as well as portions of the Clean Water Act.

“I, along with a few others, strongly opposed these provisions because we knew it was wrong and dangerous to grant an industry wholesale exemptions from our country’s most important public health laws. Unfortunately, we were not successful and despite recent efforts by myself and others, these exemptions remain in place today.

“This is why a new, comprehensive, unbiased EPA investigation of hydraulic fracturing is so vitally important. We cannot and must not move forward with hydraulic fracturing absent an independent, scientific analysis, supported by empirical data, of the risks that hydraulic fracturing can pose to water supplies or air quality.

“The results of this study will guide the federal government’s policies, and perhaps policies abroad, regulating natural gas drilling. As EPA determines this study’s scope, I have several recommendations that I believe the agency should adopt.

”First and foremost, this study must be comprehensive and look at all ways that drinking water supplies and non-drinking water supplies can be impacted by natural gas drilling including, but not limited to well blow-outs caused by fracking, spills, casing failures, flowback materials and treatment, out of zone fractures, and the unpredictable nature of fractures that occur below the surface and away from the well sight.

“EPA must get out into the field to see hydraulic fracturing operations first hand, including well drilling, stimulation and well completion. During these visits to well sites — some of which should be surprise visits — EPA must involve and speak to local citizens and should consult nongovernmental organizations about how drilling operations are impacting local communities.

“There are numerous reports of water contamination related to hydraulic fracturing in states across the country. Despite the fact that EPA is in many ways precluded from taking regulatory action in response to these reports, I strongly believe EPA must investigate them, along with the responses from industry and states, to understand what is being done to keep water supplies safe.

“I understand that a study of this magnitude will take time, but I urge the agency to budget and request sufficient resources to carry out this endeavor comprehensively and efficiently. As a member of the House Interior and Environment Appropriations Subcommittee, I will fight to ensure the agency’s budget requests are approved.

“Finally, as I emphasized when I authored the legislative provision authorizing this study, science must dictate the study’s conclusions. EPA must do all it can to ensure that its scientists and researchers are not influenced by industry or politics so that the public can be assured that this study was carried out in the public’s interest — and no other. Public health and the well-being of our environment deserve nothing less.

“Thank you for this opportunity to offer my comments. I look forward to seeing this study begin as soon as possible.”

Testimony under way at Binghamton EPA hearing

09/13/2010

Star-Gazette

BINGHAMTON — About 500 people came out to The Forum in downtown Binghamton Monday afternoon for the first session of the long-awaited final public meeting on the U.S. Environmental Protection Agency’s hydraulic fracturing study.

Meeting attendees cheered and groaned as public officials and stakeholders spoke to their concerns about the hydraulic fracturing process, a controversial drilling technique in which a mix of water, sand and chemicals is blasted deep underground to break up rock structures and release natural gas.

After a 45-minute presentation from the EPA, 123 speakers were scheduled during the afternoon session to express their thoughts about how the agency should proceed with its study, which was ordered by Congress earlier this year.

Congressman Maurice Hinchey, D-Hurley, was first at the microphone. He urged the agency to take a comprehensive approach to its study, which is supposed to take a look at the potential effects hydrofracking has on groundwater.

Hinchey, who has sponsored a federal bill that would require natural gas companies to disclose the chemicals they use during the drilling process, called fracking an “unconventional, harm-causing drilling technique” during a speech that went well over the time limit.

“The results of this study will guide the federal government’s policies, and perhaps, governments abroad,” Hinchey said. “This study needs to be comprehensive, and it has to look at all of the different ways drinking water supplies, and non-drinking water supplies, can be impacted.”

Several speakers touted a 2004 EPA study that found the fracking process to be safe. Critics say the study was wrought with political influence and has widely panned the results.

“There are almost 14,000 producing wells in New York state, many of which have been hydrofracked,” said Brad Gill, president of the Independent Oil & Gas Association of New York. “Despite claims to the contrary, there hasn’t been one case of groundwater being contaminated by the hydraulic fracturing process.”

The start of the meeting was largely civil, though some audience members grew testy when speakers went over the two-minute time limit, which was displayed largely on an onstage screen.

Some have taken a unique approach with their 2 minutes. Jeff Decker of the Vestal Coalition recited the Pledge of Allegiance before speaking out in favor of drilling.

Hydrogeologist John Conrad said he was confident that hydrofracking can be done safely under current regulations and warned against using fear to make policy.

Before the hearing began, a few hundred protestors from both sides of the natural gas drilling debate made their voices heard on Washington Street in front of the theater. Opposing rallies were restricted to barricaded areas on opposite ends of the street.

Emotions were high, but Binghamton Police — which provided 12 officers and two supervisors at a cost of about \$13,000 to the EPA — reported no issues.

About 1,600 people have registered to attend the meetings, which are split into four sessions — two each on Monday and Wednesday. The afternoon session began at noon, while the evening session will begin at 6 p.m. and feature 95 speakers.

Others who have already spoke at the afternoon session included Binghamton Mayor Matt Ryan, Broome County Executive Barbara Fiala, Assemblywoman Donna Lupardo, and several area landowners and environmentalists.

While no hearings are scheduled Tuesday — the day of primary elections in New York State — Windsor filmmaker Aaron Price will hold a free screening of “Marcellus Shale Voices” at 7 p.m. at Binghamton’s Holiday Inn. Price also will show his film “Gas Odyssey.” Drilling supporters are expected to attend.

Read Mayor Ryan’s statement at the EPA hearing

09/13/2010

Star-Gazette

Binghamton Mayor Matthew Ryan spoke at the EPA hearing Monday. Here is his statement:

“Good afternoon, and thank you for this opportunity to speak on hydraulic fracturing in the Marcellus Shale.

“There is no doubt that extraction of these massive gas reserves has the potential to achieve impressive economic gains, but it also could produce even greater harm to public health for decades to come. It is certain that the use of this nonrenewable resource will consume tremendous amount of resources, especially land and water. We must get this right for the benefit of all residents, in Broome County and across our country.

“With that, I ask that the EPA’s study take into account the following:

“CUMULATIVE IMPACTS: Given the far reaching implications of the gas play, we must know its cumulative impacts based on scientific analysis. The EPA has taken this approach in improving the health of our nation’s water bodies, such as the Chesapeake Bay, and I ask that you do the same in regards to hydraulic fracturing.

“AIR QUALITY: Air quality is one area that fracking surely will impact. There is alarming evidence, in fact, that natural gas extraction from the Barnett Shale in Texas has generated pollutants that have compromised public health. In evaluating fracking’s cumulative impacts, the EPA’s study should address these issues.

“INDUSTRIAL BYPRODUCTS: Produced water and flow-back are two highly toxic by-products of fracking, but there are too many unanswered questions regarding proper disposal. Should companies be required to test their workers for radioactive exposure? If the drilling equipment shows excessive levels of radioactivity, should it be deemed hazardous waste? How will companies ship massive amounts of such hazardous waste across state lines? How will the shipments be tracked for compliance and enforcement? How will we protect the workers that handle such waste and the communities where it is located? I ask that the EPA’s study address these questions directly.

“CONCLUSION: To date, I have heard only one refrain from those who want to speed up the gas play: We need the money. As the mayor of an Upstate city, I completely understand this call, but in the absence of a strong regulatory framework, I simply cannot support short-term financial gain for some while sacrificing the long-term health of our workers, families, ecology and economy.

“Twenty years from now we will look back at this pivotal moment with either anger and pain, or appreciation and comfort. I hope and trust that the EPA’s study will put us on the path to long-term health and prosperity.”

Hearing draws Norwegian TV station

09/13/2010

Star-Gazette

The EPA meeting drew a considerable amount of media attention. EPA spokesman John Senn said camera crews were expected from CNN and the CBS Evening News, in addition to a large amount of local and regional media.

But the most interesting media representative came from overseas. Norwegian national television station TV2 sent a camera operator and reporter to take in the meeting as part of a series of stories on hydraulic fracturing.

Torgeir Foss, the reporter, arrived in Binghamton on Sunday.

Statoil, Norway’s largest oil and gas company, purchased about one-third of Chesapeake Energy’s leased acreage in the Marcellus Shale region.

“It’s an important story because Statoil is mainly owned by the Norwegian government,” Foss said. “That means everyone in Norway is affected.”

EPA meeting a boon and bust for different local businesses

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Star-Gazette

Just a few feet from the barricaded protests, business was booming at the City Light Café on Washington Street this morning.

Restaurant manager Lori Snyder said protesters hailing from as far away as Oklahoma and Denmark came by for their morning coffee. By around 11:00 a.m., she estimated, business for the day had doubled.

"Whatever they're debating over there, the jobs have picked up here because we've even had to bring in extra people," she said, adding that more employees would be scheduled in anticipation the second day of the EPA hearings on Wednesday.

A spirited but friendly discussion broke out between tables of pro-drillers, anti-drillers and a table of Tea Party members, but Snyder said she isn't for or against drilling.

"I think there's benefits to both sides," she said.

Down the street at Bob Crowe Auto Services, things were quite a bit different. The orange barricades surrounding the pro-drilling protest extended to the area directly in front of the garage's parking lot.

Owner Bob Crowe said he lost 80 percent of his customers, and he anticipated losing \$3,000 during the course of the day. He said he understands the need for the EPA meeting - but wishes it was happening somewhere else.

"I'm just in the exact wrong spot," Crowe said.

No incidents reported during EPA hearing

09/13/2010

Binghamton Police Chief Joseph Zikuski said there were no incidents outside of The Forum on Monday, but said the police presence will remain at similar levels at the meeting's remaining sessions on Wednesday.

"We're trained to deal with anything, and you just never know what could happen," Zikuski said. "Both sides have been very respectful, but we have to be ready for the unknown."

Police officers were visible on Washington and Henry streets throughout the day, with several keeping close watch on the staging areas reserved for pro- and anti-drilling rallies. As part of the EPA's deal with the department, the City of Binghamton will provide 12 officers and two supervisors for Wednesday's sessions.

Read County Executive Fiala's statment at the EPA hearing

09/13/2010

Star-Gazette

Verbatim statement of Broome County Executive Barbara Fiala at the afternoon session of the EPA Public Meeting:

Thank you very much for this opportunity. And thank you for bringing this event to Greater Binghamton and specifically to Broome County's beautiful Forum Theater.

I am delighted to have this opportunity to talk about this study and its impact on the general progress of natural gas development in New York state and nationwide for that matter. I think this is a perfect opportunity to clarify some facts. Our County Attorney, who has spent a great deal of time on this issue will speak shortly and provide some additional input on our recommendations for this study.

I and my administration believe hydraulic fracturing is safe. We have listened to the geologists and the scientists and the experts in this field. And we are confident that with the proper supervision and regulations in place, we can develop this new industry in our region, do it safely and create new investments and new jobs.

All that we ask is that this study be focused, and not take forever to complete.

I work in government so I can speak from experience. Things seem to take a little longer in government to finalize. Let me be clear, we are not asking you to rush anything! We are simply asking that this study get underway and get the information it needs and it be completed in a timely manner.

Before wrapping up I also wanted to clarify our position on the debate regarding the disclosure of information on frac fluids. The composition of frac fluid is an issue of long term public health and emergency response. Simply stated, the composition should be disclosed whether or not Congress passes the FRAC Act.

Many companies have already done this. NYS DEC already requires disclosure. My administration supports disclosure. I urge EPA not to become bogged down in an issue that is already being resolved. I would just like to reiterate that we hope this study is done in a timely manner.

The natural gas industry started in NY. It is an established industry, regulated by the DEC, and adds value to our economy. It is our hope the EPA is not going to study the entire natural gas development cycle. Otherwise, the study will lack focus; it will not be timely; and EPA will infringe on the rights of the states to regulate this industry.

Before wrapping up I also wanted to recognize everyone who has taken the time to be here today or has signed

up for one of the other sessions to voice their opinions.

This is probably one of the most important issues that will ever be before us. Civic engagement is crucial and again I just want to say thank you to everyone on both sides of this issue who are exercising their right to be heard.

Thank you again for this opportunity.

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